

[2] CONTINUATION: November 5, 2014 Burlington City Council Meeting

STREET DEPARTMENT: Update

Grinding Streets - 9th Street & LaMoille: Superintendent Mast reported they finished their grinding project on 9th Street and on LaMoille Street. He explained that they had ground up 9th Street from Neosho to Alleghany, and added recycled asphalt and will let it set for the winter. It is better than it was, but it is still rough.

Council Member Griffith said, "Doug, I had a call from one of my constituents about on 9th Street concerning that as you're repaving, there's quite a difference between the sidewalk and the pavement." Superintendent Mast explained, "Yes. We've added some height there; and in some of those locations, we might need to go back to do some sidewalk work to bring that up to pavement level. We won't do that until we're completely done because we will probably go back in next year and put a couple inches of hot-mix on there, and we want to wait until we're done with that."

Council Member Griffith asked, "When we were talking about between the sidewalk and the pavement, are you guys going to be in charge of fixing those sidewalks where the waterlines gone in, Doug?" Superintendent Mast answered, "Usually, the Water Department takes care of that. We work with them on that." Council Member Griffith, "Okay. I just wondered. Thank you."

General: Street personnel have also been doing a lot of sweeping around town trying to get leaves picked up and will be doing that for quite a while. They have been doing normal duties and also replaced culvert and started back on crack filling.

Bowers Civil Engineering - Pavement Management System: Superintendent Mast informed Council the Norman Bowers will be coming to the December 3rd meeting of Council, and said, "We will go over the upgrades we've done to our streets. I believe, he will have a power point presentation. We've been working with Norm trying to get everything up to date and to start working on our plans for next year, as well."

POLICE DEPARTMENT: Update

General: Chief Jones reported, "It has been normal calls for us. We've been working a lot of smaller theft cases. People who have been in positions of trust and had access have been taking advantage of things they shouldn't have taken advantage of."

Halloween: Chief Jones thanked the Water Department and Street Department for their help with the grade school Halloween parade last Thursday.

County Attorney Selection: Chief Jones reported, "I observed, but did not participate in, the Coffey County Attorney selection process. It was an interesting process, and I was impressed that the committee went to the amount of work they did on their selection."

Police Building Construction - update: The new Police Department building interior is almost fully complete. There is quite a bit of work to be done on the exterior. Chief Jones offered to do a walkthrough with anyone who is interested in seeing the interior of the building.

POLICE DEPARTMENT: Personnel Evaluation- Brandi Charlton

Chief Jones stated, "Officer Brandi Charlton is on the off schedule because she graduated from the Kansas Law Enforcement Training Academy in October of last year. I am very pleased with Brandi, and I recommend Council accept her evaluation."

Council Member Scott stated, "I move we accept Chief Jones' recommendation concerning Brandi Charlton and approve her personnel evaluation as presented, including a merit raise to bringing her hourly wage to \$16.98." Council Member Rhodes, "Second." Hearing no discussion, Mayor Merry called for a vote. Motion unanimously carried with a vote of 5:0.

PARKS DEPARTMENT: Update

General: Parks personnel have been doing normal duties, cleaning public restrooms and buildings, mowing, and weedeating. They mowed around bridges and things on Kennebec Street and on 16th Street, and mulched tree leaves in Kelley Park. Personnel trimmed trees where necessary to make it easier to mow.

Industrial Park Screening: One dead Cedar tree was removed in the Industrial Park screening row, and was replaced with a new tree. Mulch was placed around all the small trees.

Restrooms: All the seasonal restrooms have been closed and winterized.

Sod Replacement Project (Caboose Park/Veterans Parks) Superintendent Boyce reported Bones Landscape Company completed replacing the sod at Veterans Park and Caboose Park. He had been asked several questions about why the sod was being replaced, and after he explained about the trip hazard, they understood. The contractor should be back, hopefully within the next week or to, to work on the uneven bricks and eliminate the trip hazards there.

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FINANCE: Claims Ordinance & Payroll Ordinance

a.	Claims Ordinance	2014-19	<u>\$86,695.23</u>
b.	Payroll Ordinance	2014-23	<u>\$ 72,020.75</u>
c.	Payroll Ordinance	2014-22	<u>\$ 79,343.89</u>
	TOTAL		\$238,199.87

CLAIMS 2014-19: Council Member Luke, "I move City of Burlington pay Claims Ordinance 2014-19 in the amount of \$86,695.23 for payment of city bills." Council Member Scott, "Second." Mayor Merry called for discussion. City Clerk Kewley explained, "Some of our larger expenditures we are paying tonight are: Brenntag for \$25,040; Lewis Oil for \$7,965.00; Blue Cross/Blue Shield for \$29,982. Hearing no further discussion, Mayor Merry directed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Merry declared Claims Ordinance 2014-19 approved by vote of 5:0.

PAYROLL 2014-22: Council Member Scott stated, "I move City of Burlington pay Payroll Ordinance 2014-22 in the amount of \$79,483.89." Council Member Luke, "I Second it." Hearing no discussion, Mayor Merry directed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Merry declared Payroll Ordinance 2014-22 approved by a vote of 5:0.

PAYROLL 2014-23: Council Member Scott stated, "I move City of Burlington pay Payroll Ordinance 2014-23 in the amount of \$72,020.75." Council Member Rhodes, "I Second it." Hearing no discussion, Mayor Merry directed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Merry declared Payroll Ordinance 2014-23 approved by a vote of 5:0.

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin has been busy with permits, updating the city's website and Facebook. The League of Kansas Municipalities has been backlogged on updating code books for municipalities and is ready to accept our updates to the City Code; and when they receive our city code, we will be put on their list to reserve our turn in line. Administrative Stroh has more updates to complete.

Planning Commission - Comprehensive Plan Update: Zoning Clerk Hugunin reported the Burlington Planning Commission had been scheduled to meet last evening to update the Comprehensive Development Plan; however, the meeting was canceled and will rescheduled.

OTHER COUNCIL BUSINESS: Veterans Day Proclamation

Mayor Merry signed the Veterans Day Proclamation, which called upon all citizens to commend America's Veterans and to observe Veterans Day with solemn pride on November 11th. Citizens were encouraged to honor the dead by giving service to the living victims of war.

PERMITS: Permits issued by Zoning Clerk Hugunin:

Zoning/Building Permits:

2014-049 Angella Glasgow 516 N. 12th - Shed	2014-052 Pete Keegan 604 Kennedy - Shed
2014-051 Roy Lawson 615 Shea St. - Carport	2014-054 Jonathan Jasper 1008 Housatonic - Shed
2014-053 Terry Peak 1200 St. Lawrence - Lean -to	2014-056 Cooks Plumbing 503 Neosho-Storage Building
2014-055 Cassie Neer 1324 Alleghany - Addition	2014-058 Kenneth Thexton 1449 12th Rd. - Shed
2014-057 Brian Birk 1120 Lamoille - Carport	2014-060 Jerilyn Curtiss 304 N. 2nd - Fence
2014-059 Donnie Combs 625 Niagara - Garage	
2014-061 USD 244 Recreation Commission 215 N. 13th - Swimming Pool	

Sign Permit:

2014-003, TrustPoint, 800 N. 4th Street, an LED Sign

LEGAL DEPARTMENT: Update

City Attorney Robrahn stated, "I will be gone the second meeting of January (the 21st). I think I'm going to have Phillip Wright fill in for me that evening. He has been wanting to come and give you an update on Municipal Court, and I think that would be a good evening for him to do that and answer any questions you may have about the Municipal Court."

CITY CLERK'S OFFICE: Update

General: City Hall Staff have been busy with customers paying utility bills; and have been handling calls and inquiries, handling work orders, and preparing meeting minutes, reports, vouchers for paying bills, and payroll.

Delinquent Utility Accounts: City Clerk Kewley reported that for November, we will be sending \$1,595.06 in delinquent utility accounts to the Kansas Set-Off Program for collection.

Financial Software Meetings/Presentations: City Clerk Kewley reported City Hall staff have been presented with their third and final financial software demonstration. She has proposals and pricing from Computer Information Concepts (CIC) and Data Tech, but is waiting for the proposal pricing from Incode.

Trash Exemptions: City Staff has sent out the annual notifications for trash exemptions, which are due by the end of the year.

Licenses Renewals - Cereal Malt, etc.: City Staff will be sending out letters to remind businesses in Burlington that Cereal Malt Beverage Licenses, Dance & Amusement Licenses, and Trailer Court Licenses are due in December.

Training - City Clerks Fall Conference: City Clerk Kewley told Council that after this meeting, she will be driving to Wichita to attend the annual City Clerk Fall Conference.

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Training - KPERS Workshop: City Clerk Kewley and Deputy City Clerk Brown will be going to Wichita on Wednesday, November 12, to attend the workshop Kansas Public Employee Retirement System.

Closing for Veterans Day: City of Burlington will be closed on Tuesday, November 11th for Veterans Day.

APPOINTMENTS - PUBLIC HEARINGS beginning at 6:30 p.m.: Conduct Public Hearings to Determine whether Structures are to be Condemned as Dangerous and Unfit:

Mayor Merry explained that if visitors are here for any of the nuisance properties we have a public hearing on, he will state the address and call for a motion to open the hearing on that property, the motion will be made and voted on, and then the hearing will begin. He will hear comments from the property owner and interested persons; then after discussion, Council will determine what type of action to take; for example, grant an extension to abate the nuisance, or proceed with condemning the property/structures. Then another motion will be made to close the hearing; and after it is closed, we will proceed to the next property's hearing. Hearings are for:

- | | | |
|------------------------|---------------------|-----------------------|
| a) 218 N. 11th Street; | b) 716 Yuba Street, | c) 606 Hudson Street, |
| d) 301 N. 12th Street | e) 928 Des Moines | f) 504 S. 9th St |

a) 218 N. 11th Street (Dohni Johnson, owner)

Mayor Merry called for a motion to open the public hearing on 218 N. 11th Street. ***Council Member Luke made the motion to open the public hearing on 218 N. 11th Street to determine whether structure(s) should be condemned as dangerous and unfit. Council Member Curtiss gave the second. Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried. Mayor Merry declared the Public Hearing open.***

Dohni Johnson stated, "I own the property at 218 N. 11th Street and I fully intend on tearing it down. I just need a little more time. My husband is out of state working. I probably just need three months for him to get back and we can clear our stuff out of there and tear it down. We fully intend on tearing it down, and we understand that it's falling down." Mayor Merry stated, "So, you recommend that with 218 N. 11th, if we would extend to no later than the 28th of February, 2015 you will have the nuisance abated?" Mrs. Johnson, "We'll try." ***Mayor Merry called for a motion. Council Member Scott made the motion to grant an extension for the property owners to abate the property nuisance at 218 N. 11th Street no later than February 28, 2015. Council Member Luke gave a second. Hearing no discussion, Mayor Merry called for a vote. Motion unanimously carried with a vote of 5:0.***

Mayor Merry called for a motion to close. Council Member Scott moved to close the Public Hearing on 218 N. 11th Street. Council Member Curtiss gave a second. Hearing no discussion, Mayor Merry called for a vote. Motion unanimously carried. Mayor Merry declared the public hearing closed.

b) 716 Yuba Street (Amanda Feris, owner)

Mayor Merry called for a motion to open the public hearing on 716 Yuba Street. ***Council Member Luke made moved to open the public hearing on 716 Yuba Street to determine whether structure(s) should be condemned as dangerous and unfit. Council Member Rhodes gave the second. Hearing no discussion, Mayor Merry called for a vote. Motion unanimously carried. Mayor Merry declared the Public Hearing open.***

Mayor Merry asked, "Is there anyone here who wants to talk about 716 Yuba?" Gary Epting addressed Council, "I came to represent the young lady that owns the house there. She financially can't do a whole lot, so I want to see what her options might be so that we could exercise to take care of this situation." Chief Jones asked, "What do you consider viable options?" Mr. Epting stated, "My thought was, I'd donate the lot to the City, if the City would take care of the house." Chief Jones sated, "That would come under that Demolition Deed that Tom Robrahn (City Attorney) drafted, if you're interested in doing that." Attorney Robrahn explained, "It is an option. The only thing is there can't be any mortgages, liens, or encumbrances against the property. If the deed is clear, we can do that."

(If the property is free and clear of all encumbrances, liens, mortgages, the property owner may, in lieu of demolishing structures and cleaning the property, the Property Owner may enter into a Real Estate Purchase Agreement with the City of Burlington and deed the property to the City. At its expense, the City will demolish the structures and clean up the property, then sell the property at fair market value. Any amount remaining after all incurred expenses are deducted, will be returned to the property owner.)

Polly Epting, Coffey County Land & Title, also showed interest in deeding the property over to the City. Attorney Robrahn said, "Okay, we can do that. I'll get with you and we can work on that." Mr. Epting stated, "Thank you, Mr. Mayor." Mayor Merry explained that paperwork would have to be taken care of elsewhere, and said, "We are in a public hearing right now and we've worked out the deal. We will close the public hearing, and you and Tom can take care of the paperwork on the property." Council Member Scott asked if a motion is needed to give an extension. Mayor Merry said, "No, we are going to be tearing it down." Council Member Scott, "So we're not going to abate it, we're just going to go ahead." Mayor Merry, "They're going to give us the deed in lieu of them doing the demolition." (continued)

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Mayor Merry called for a motion to close the hearing. *Council Member Luke made the motion to close the public hearing on 716 Yuba Street. Council Member Curtiss gave the second. Hearing no discussion, Mayor Merry called for a vote. Motion unanimously carried with a vote of 5:0, and Mayor Merry declared the public hearing closed.*

Council Member Scott asked for clarification, "Are we going to take action? I know we're saying this is what they're going to do; but in the meantime, don't we have to pass this resolution?" Mayor Merry, "No. He's going to work it out." Attorney Robrahn, "We're going to do that alternative option with the deed; but I understand what you're saying. I guess for now, just tabling the resolution until." Mayor Merry, "The ones we've already taken care of, he (Attorney Robrahn) is handling outside of the council meeting - as long as we've got an agreement." Council Member Scott said he just wanted to make sure we have the procedure correct. Administrative Assistant Stroh asked if a motion is needed to table the resolution. Mayor Merry said, "No, not in my opinion. Do you agree, Tom?" Attorney Robrahn replied, "I would say you're fine. We could always bring it back if we had to."

c) 606 Hudson Street (Jim & Nina Mann, owners)

Mayor Merry called for a motion to open the public hearing on 606 Hudson Street. *Council Member Luke moved to open the public hearing on 606 Hudson Street to determine whether structure(s) should be condemned as dangerous and unfit. Council Member Curtiss gave the second. Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried. Mayor Merry declared the Public Hearing open.*

Mayor Merry asked, "Is there anyone here who wants to talk about 606 Hudson?" The owners were not at the hearing and hearing no comments from anyone else, Mayor Merry called for a motion to close the hearing. *Council Member Scott made the motion to close the hearing on 606 Hudson Street. Council Member Curtiss gave the second. Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried. Mayor Merry declared the public hearing closed.*

Resolution 2014-23: Mayor Merry, after commenting that the owner did not appear at the public hearing, called for a motion on Resolution 2014-23. *Council Member Curtiss stated, I move to approve Resolution 2014-23, Declare Structure(s) at 606 Hudson Street to be Condemned and Demolished." Council Member Luke, "Second." Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried with a vote of 5:0. (Note: Owner came in later. There is discussion on page 403.)*

d) 301 N. 12th Street (Cynthia Bailey, owner)

Mayor Merry called for a motion to open the public hearing on 301 N. 12th Street. *Council Member Curtiss moved to open the public hearing on 301 N. 12th Street to determine whether structure(s) should be condemned as dangerous and unfit. Council Member Griffith gave the second. Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried. Mayor Merry declared the Public Hearing open.*

Mayor Merry asked, "Is there anyone here who wants to talk about 301 N. 12th?" Cynthia Bailey addressed Council, "I am in the process of trying to sell this property. I just need an extension on time. There are people who are interested." Mayor Merry asked, "What would that be? Sixty days? Thirty days?" She wasn't sure, so Council Member Luke suggested sixty days. Chief Jones suggested setting it to be no later than January 7, 2015 which is the first meeting of council in January.

Mayor Merry called for a motion for an extension until January 7, 2015. *Council Member Luke made the motion, "I move to approve an extension for abatement of the property nuisance at 301 N. 12th Street to no later than January 7, 2015." Council member Scott, "Second." Hearing no discussion, Mayor Merry called for a vote. Motion unanimously carried with a vote of 5:0.*

Mayor Merry called for a motion to close the hearing. *Council Member Scott made the motion to close the hearing on 301 N. 12th Street. Council Member Curtiss gave the second. Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried. Mayor Merry declared the public hearing closed.*

e) 928 DesMoines Street: Theda Darnell (Andy Darnell, owner/deceased)

Mayor Merry called for a motion to open the public hearing on 928 DesMoines Street. *Council Member Scott moved to open the public hearing on 928 DesMoines Street to determine whether structure(s) should be condemned as dangerous and unfit. Council Member Curtiss gave the second. Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried. Mayor Merry declared the Public Hearing open.*

Mayor Merry asked, "Is there anyone here who wants to talk about 928 DesMoines?" Theda Darnell addressed Council, "I'm Andy Darnell's mother. He died in January; and I've been cleaning out his house trying to find the deed to the house, and I haven't found it yet." Mayor Merry commented another one can be prepared. Polly Epting, Coffey County Land and Title, told Ms. Darnell, "It would be on record at the courthouse. I have a title company and we can research that for you, at no charge." Ms. Darnell, "Right now, I've been cleaning it out. He left it a mess. I've been finding shot gun shells and other shells and I don't want anybody to come in there and get blown up; so I'm trying to clean it all out." (continued)

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Mayor Merry inquired, "Do you want the house demolished after that?" Ms. Darnell, "Yes. His kids don't want anything to do with it, and I can't afford to have it put in my name and do anything with it." Mayor Merry, "So if we went ahead and say that you appeared and want it demolished, it would probably take another sixty days for the bidding process, or thirty days." Chief Jones said, "I figure at a minimum we will be looking at the first of December to be the earliest we could get a company onsite; so, thirty days we easily could do. I don't know whether that would give Ms. Darnell enough time to finish." Ms. Darnell, "No, it won't. How about the first of the year?" Chief Jones commented that it would be up to the council. Mayor Merry, "We're going to need to do a resolution to do that. Tom?" Attorney Robrahn, "Yes." He then advised, "I would suggest you could do the alternative demolition deed, but we don't know how easy it is going to be for her to get the title; so, I'm not sure that's an option we want to do." Ms. Darnell stated, "He made the mess. I'd like to clean it up."

Mayor Merry, "If we do the resolution to find that property negligent, we can't extend the date on it to another year. It goes through the regular process." Council Member Luke suggested doing an extension for the cleanup. Mayor Merry stated, "I would recommend to just do an extension to the end of the year." Ms. Darnell, "I would like to do that so I can get it cleaned out, and after that you can do whatever you want to do with it. The kids don't want anything to do with it, and I can't afford mine and his, too." Mayor Merry, "I suggest to move to do an extension on 928 DesMoines no later than December 31st - make that the January 7th council meeting." Ms. Darnell, "Thank you, that would be nice."

Mayor Merry called for a motion. Council Member Scott made the motion to grant an extension for abatement of the property nuisance at 928 DesMoines Street no later than January 7, 2015. Council Member Griffith gave a second. Hearing no discussion, Mayor Merry called for a vote. Motion unanimously carried with a vote of 5:0.

Mayor Merry called for a motion to close the hearing. Council Member Curtiss made the motion to close the hearing on 928 DesMoines Street. Council Member Luke gave the second. Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried. Mayor Merry declared the public hearing closed.

f) 504 S. 9th Street (Jason & April Grames, owner)

Mayor Merry called for a motion to open the public hearing on 504 S. 9th Street. **Council Member Luke made the motion to open the public hearing on 504 S. 9th Street to determine whether structure(s) should be condemned as dangerous and unfit. Council Member Scott gave the second. Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried. Mayor Merry declared the Public Hearing open.**

Mayor Merry asked, "Does anyone have any comments on 504 S. 9th Street?" April Grames stated, "I'd like to request that it be taken off the condemned list. We have taken pictures from when Doug (Chief Jones) was there last time." She said having the property on the list of properties for condemnation has caused problems with not being able to get help to fix the house up, get insurance on the property, etc., which in turn will help them to get their child returned to them by the Social Rehabilitation Services. She said, "We are living in the house with all the utilities turned on. He (her husband, Jason) is now working full-time. We're trying to get insurance on the house, but we can't do that until it is off the demolition list so we can do repairs that need done. We can't get help from the Housing Authority (Coffey County) with the repairs until the house is off the list." Mayor Merry asked, "How much time will you need?" Mrs. Grames, "I don't understand what more we have to do. We're not really sure what else we're supposed to do."

Chief Jones said, "May I interject? I visited with your caseworker. She and another caseworker went in and did an inspection on Monday. It did not pass, and you were still not approved to have your child returned home." Mrs. Grames, "We can't get our child back for visitation until the house is off the list." Chief Jones, "I am not going to recommend taking this house off the demolition list until such time as it's fit to live in." Mrs. Grames, "We've been living in it." Chief Jones, "I understand that you're living there." Mrs. Grames, "What more do we need to do?" Chief Jones, "Your caseworker told me that when they went in to the child's bedroom, there's still trash and animal feces on floor, and there is a hole in the floor that went clear to the basement." Mrs. Grames, "That hole has been there since 1930 some." Chief Jones replied, "I don't care how long it's been there." Mrs. Grames, "There's nothing there. I mean, it's this far off the wall and there's a desk there. And that bedroom was spotless when she was there." Chief Jones, "Not according to the caseworker."

Chief Jones continued, "If you were ready for me to come back and inspect it, April, you should have called me like you said you were going to." Mrs. Grames, "She said we had to go to this meeting to ask for it to be released, so that's what we're doing. We asked for it to be released. We fixed the ceiling. We got money through the Housing Authority. We fixed the basement and we cleaned everything out of the basement; or, we fixed the front porch and cleaned everything out of the basement. We've sprayed for mold; and there is no more mold. There's no more holes in the ceiling." (continued)

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Chief Jones offered, "If you want me to come over and inspect it, then I would be more than happy to. I would not object to an extension to allow time for that; but I would be opposed to taking it off the list entirely." Mrs. Grames, "But we have to get it off the list in order to go further and more - get homeowners insurance so they can come in and do the electrical. There's nothing more we can do. You're more than welcome to come look at the house whenever you want to. I was just doing what SRS told us to do. We've done everything - above and beyond, even after she left. That was two weeks ago. There's nothing more we can do. We've just been sitting, crossing our fingers, and praying every day that this would get off the list so when we get finished with the Housing Authority, we can get homeowners insurance - which we have money to get, but we can't get insurance while it is on this list."

Chief Jones, "While I was there last time and inspected it, I told you then to let me know when you were ready for me to come back." Mrs. Grames, "Well, I was just going by what SRS said - that everything was good, but they couldn't do anything more until it's off the list. Once it's off the list, then they can help more; the Housing Authority can help more; we can get homeowners insurance; and move on. We can't move on while it's sitting there on this list, and we don't know what else to do. And we don't have the money to replace the whole floor based on a hole that was there when they built the house." Chief Jones, "I'll reiterate. I would not object to an extension, but that's as far as I would be willing to go." Mrs. Grames, "The last thing I could say is that giving us an extension is not going to help any more, if it is just going to linger into January." Mayor Merry asked about thirty days. Mrs. Grames stated, "I don't think it is going to help in thirty days either because of the fact that our next court hearing is November 17th, and we're praying we get supervised visitation to integrate our child back with us. Two weeks would be nice, but unfortunately, I don't think you guys would go that low; but I did not know that I had to have Doug back into the house. I was just going by what SRS says."

Mrs. Grames continued, "I just don't understand how the City can give permission for the Housing Authority to help us with things we needed a month ago, and still have it on the list." Mayor Merry, "What permission did we give?" Mrs. Grames, "I don't know - isn't the Housing Authority, City money?" Mayor Merry, "No, it's County." Mrs. Grames, "I just know it is very upsetting that we got that money from the Housing Authority, we did all the repairs, and now there's nothing that we can do to get it back. I mean, it's a house from the 1930s. There's work that needs to be done that needs done by certified workers, I can't do electrical."

Council Member Curtiss asked, "How about the next council meeting, which is on the 19th; and have Doug (Chief Jones) go and inspect what has been done. I cannot go along with this because with what you said that they would not recommend the child go back in the home." Mrs. Grames, "By law they cannot allow a child to be in a structure that is supposed to be condemned." Council Member Curtiss, "But, if we gave you until the 19th, and Doug would come in, would that help you out?" Mrs. Grames, after verifying she was talking about the 19th of November, agreed that Doug coming in, doing an inspection, and making recommendations would help.

Council Member Curtiss stated, "I move to grant an extension to abate the property nuisance at 504 S. 9th Street to no later than November 19, 2014; and that Chief of Police Jones will inspect the house and have a recommendation at that evening's City Council meeting." Council Member Scott, "Second." Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried with a vote of 5:0. Mrs. Grames said she would contact Chief Jones to arrange for him to do the inspection before November 19. She said, "Thank you very much. We appreciate all that."

Mayor Merry commented that is the last of the nuisance structure hearings for this evening. **Council Member Scott made the motion to close the hearing on 504 S. 9th Street. Council Member Luke gave the second. Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried. Mayor Merry declared the public hearing closed.**

Note: The last Public Hearing on Nuisance Properties ended at 6:45 p.m.

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NUISANCE PROPERTIES: Not on tonight's Public Hearing List :

1) **Jerald Brockelman, 812 DesMoines:** Chief Jones explained to Mr. Brockelman that his property is no longer on the condemnation/demolition list, "The efforts you've shown were sufficient to take your property off the list." Mr. Brockelman stated, "I'm willing to have an inspector come over to look at it." Chief Jones said, "I've actually got fresh pictures in my file, but I did not have your property on the list for tonight because of the work you've done." Mr. Brockelman stated, "I'm razing the one-story off the alley this coming fall or summer." Chief Jones, "You've already torn down the garage/shed out back." Mr. Brockelman explained a some of the improvements he is planning. Chief Jones said, "I'd be more than happy to work with you on that. You've done a lot of work on it."

2) **Max & Rose Hess, 718 S. 5th Street:** Ross Hess explained that they have been trying to clean the house out, but her husband's health is not good. They have got most of the front part of the house cleaned out, but they have no place to put their appliances. Max Hess stated, "It all started back when we moved the trailer in. I asked for a permit to put a 5'X8' room on the back of the trailer so I could put the washer, dryer, and deepfreeze in there and the City told me to go screw myself. At that time, I was ready to tear it down, but I was told no."

Mayor Merry asked if Chief Jones had a discussion with Mr. and Mrs. Hess. Chief Jones had not talked with them, but now said to them, "I did get the message of what your intent was - that you were talking about a doublewide and moving a single trailer out." Mrs. Hess commented, "We can't do it because our credit's not

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good." Chief Jones, "Okay. I hadn't heard anything since then." Mr. Hess, "We're going through the Housing Authority trying to get us a house." Mrs. Hess, "We're going through that process right now." Chief Jones, "Any idea how long?" Mrs. Hess, "I've been stonewalled by a couple of things and got them straightened out, but I don't know what is going to hit us next. We've tried to get out of that house for the last twenty years - to get another place in there. We can't get credit because we're both on disability - Max was hurt in 1986. We put that trailer in there for the kids when Danny had heart surgery, and the old house was killing him. The trailer had air conditioning and central heat and he came out of all that. And now, we're stuck in a place where we can't do nothing, until we find out from the Housing Authority what they can do for us."

Mr. Hess, "The reason why the house is so bad now is because one of the city's trees fell in the roof and poked a big hole in it, and it took them a year to cut the tree down after it was dead." He added, "I've got no help from the City, nowhere. If they'd let me build that room on that trailer, that house would already have been gone - years ago." Mayor Merry, "Is that an issue?" Zoning Clerk Hugunin said that was before he began working for the City. Mr. Hess, "Marion Logan is the one that stopped me." Mayor Merry asked, "Is it an issue now, though, to add on a room?" Zoning Clerk Hugunin said, "I'd have to look into it." Mrs. Hess, "No, because that trailer is not livable. That's why we're trying to get help from the Housing Authority." Mr. Hess, "I'm living in black mold in both places." Mrs. Hess, "And with his heart condition and my health, we need to get out (of it), and we're trying." Mr. Hess, "I fell this afternoon and had to call 9-1-1 to come pick me up."

Council Member Griffith inquired, "Are you trying to get into an apartment?" Mrs. Hess, "No, we're trying to get the Housing Authority to get us another home." Mayor Merry, "Not necessarily on that site." Mrs. Hess, "No, we'll probably have to use that site for the Housing Authority, or however they work it." Mayor Merry asked, "Do you want a sixty day extension so you can get through the process with the Housing Authority?" Mrs. Hess, "I don't know how long they are going to take." Mayor Merry, "You can't negotiate both sides; you have to tell me what you're asking for." Mrs. Hess, "Well, I'm asking for until the Housing Authority either says yes or no." Mayor Merry, "Sixty days?" Mrs. Hess, "I have no idea." Mr. Hess, "We do not know how long the Housing Authority will take." Chief Jones suggested, "But sixty days will get you a start; and when it is up, we'll know more about where we're at then." Mrs. Hess said, "Okay, that would be fine with me - whatever." Chief Jones said he could visit with Rhonda Gilbert, Director of Coffey County Housing Authority, and find out what the status is. Council Member Curtiss inquired about the address of their nuisance property. It is at 718 S. 5th Street, across from the Burlington Animal Shelter.

Council Member Griffith stated, "I move to grant an extension to abate the property nuisance at 718 S. 5th Street to no later than January 7, 2015." Council Member Scott, "Second." Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried with a vote of 5:0. Mrs. Hess thanked Council for the extension.

NUISANCE PROPERTY: Hearing Item c) 606 Hudson Street -Condemned: Owner came in late

James Mann, owner of 606 Hudson Street, came in late and was not present at his Public Hearing, at which Resolution 2014-21 was passed declaring the structure(s) condemned and to be demolished. Mayor Merry asked if he would like to make any comments. Mr. Mann asked, "Can I have some time to get my stuff out of there? I'm using it for storage." Mayor Merry replied, "I think Chief said the bidding process would probably be to the end of December. I would guess it would be about forty-five days, and then we could start the demolitions." Mr. Mann asked if the cost of the demolition would go on his property taxes, and the Mayor told him it would. He then asked about relief from the Housing Authority with their demolition program. Mayor Merry said they do that with money passed to them from the County, but he would have to talk to them about that. He also told him about the option to do a Real Estate Purchase Agreement with the City of Burlington and deed the property to the City, and how that works.

Mr. Mann asked, "Could I have a list of your concerns with my property?" Chief Jones made arrangements for Mr. Mann to call and set up a meeting with him later.

CITY CLERK: Mize Houser & Company - Contract for City's 2014 Audit

City Clerk Kewley stated, "In your packets there is a contract from Mize Houser & Company, our auditors, to start the process for preparing the City's 2014 Audit. I need a motion to approve the contract, not to exceed \$13,555.00." **Council Member Griffith stated, "I move to accept Mize Houser & Company's proposal as presented to perform City of Burlington's Financial Audit for Fiscal Years ending December 31 of 2014, at a cost not to exceed \$13,555." Council Member Scott, "Second." Mayor Merry called for discussion.** Council Member Luke asked what the cost was for the 2013 Audit. City Clerk Kewley replied, "Last year it was \$12,530, which included also doing a single audit. The amount of \$13,555 for the 2014 Audit also includes \$2,000 for a single audit and they may not need to do one, so the cost without it would be \$11,555. We needed a single audit for 2013 because of the Sewer Improvement Project." **Hearing no further discussion, Mayor Merry called for a vote. Motion unanimously carried with a vote of 5:0.**

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MAYOR'S COMMENTS: None

FUTURE AGENDA ITEMS:

GENERAL City Debt – How to fund projects City Code Re-codification Service/Allied Waste Agreement Renewal Mayor’s Volunteer Program	GAAP – Infrastructure Capitalization Actuaries – GASB-45 Financial Program Software
ELECTRIC DEPARTMENT: GIS system Emissions Standards Compliance/EPA Fill Vacancy	Automatic Meter Infrastructure for Electric & Water (AMI) Natural Gas
PARKS DEPARTMENT: Fair Board’s new Building WildBlue BBQ and Taste of Fall Festival 2015 Caboose Park & Veterans Park - Sod Replacement Project	City Dam West Wall Project (sidewalk/steps, etc.) Hazard Tree Removal LED Solar Lighting for Walking Trail
LEGAL DEPARTMENT: Municipal Court	Property Demolition Deeds/Agreements/etc.
PLANNING AND ZONING Quarterly Construction Valuation Report Comprehensive Development Plan – Update Industrial Park Lots	Work w/Chief on Nuisance Structure regulations Wal-Mart Express in Commerce Park Grant for LED Solar Lighting for Walking Trail
POLICE DEPARTMENT Nuisance Updates New PD Building-Construction Update	Personnel – Training Updates Nuisance Structures Demolition - Update
STREET DEPARTMENT: Heather Street - Concrete Panels Sidewalk Replacement Repairs on City Rights-of-Way	Rebuild/Repair Kennedy Street and 14 th Street Pavement Management System/Asset Management System
WATER & WASTEWATER DEPARTMENT: Neosho Riverbank Stabilization Water Plant Improvements–Efficiency John Redmond Reservoir – Dredging	Southwest Sewer Project Waterline Replacement Project Water Emergency - Warning (Update) Water Pressure Study SCADA System

Mayor Merry declared the meeting adjourned.

Approved by the Governing Body and signed by Regina R. Kewley, City Clerk

COUNCIL* APPROVED